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10 Attorneys for Defendant  
11 DARYOL RICHMOND

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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA, ) Case No. 1:21-cr-00184-DAD-BAM  
18 Plaintiff, )  
19 vs. ) **UNOPPOSED MOTION AND ORDER TO**  
20 DARYOL RICHMOND, *et al.*, ) **RELEASE DEFENDANT FROM WRIT OF**  
21 Defendant. ) **HABEAS CORPUS AD PROSEQUENDUM**  
22 \_\_\_\_\_) **TO RETURN TO STATE CUSTODY**  
23 ) **PENDING SENTENCING HEARING;**  
24 ) **EXHIBIT**  
25 )  
26 ) Judge: Hon. Dale A. Drozd  
27 )  
28 )

17 Defendant Daryol Richmond, by and through his counsel of record, Assistant Federal  
18 Defender Meghan D. McLoughlin, hereby requests that this Court order the defendant returned  
19 to state custody at the Kern Valley State Prison in Delano, California, until such time as this  
20 Court will order his return to federal custody for the judgment and sentencing hearing in this  
21 matter. The government does not oppose this request.

22 On July 15, 2021, Mr. Richmond was indicted on charges of Conspiracy to Commit Mail  
23 Fraud and Aggravated Identity Theft. (ECF No. 1). At the time he was indicted, Mr. Richmond  
24 was serving a multi-year state sentence the Kern Valley State Prison in Delano, California. On  
25 August 3, 2021, he appeared in federal court pursuant to a Writ of Habeas Corpus Ad  
26 Prosequendum. (ECF Nos. 10, 16.) Mr. Richmond desired to resolve his federal case as quickly  
27 as possible and, as such, set a change of plea hearing for February 22, 2022. On that date, Mr.  
28

1 Richmond pleaded guilty to Conspiracy to Commit Mail Fraud and Aggravated Identity Theft,  
2 pursuant to a written plea agreement. (ECF Nos. 77.) The Court set a sentencing date over six  
3 months away on September 19, 2022, due to defense counsel's current sentencing investigation  
4 and her upcoming extended medical leave. (ECF No. 112). In the meantime, Mr. Richmond  
5 desires to return to state custody where he has been taking advantage of rehabilitative programs,  
6 such as drug and alcohol use treatment, reentry planning, and vocational classes. His  
7 programming is not only instrumental in his rehabilitation, but could also have an impact on his  
8 release date from state custody. While in federal pretrial custody, Mr. Richmond does not have  
9 access to the same quality of programming and is just sitting in a cell waiting to be sentenced,  
10 often on lockdown due to the COVID-19 pandemic. In addition, in CDCR custody, Mr.  
11 Richmond receives regular medical care for chronic conditions, such as physical therapy for a  
12 previously dislocated shoulder and prescription treatment for recurring cysts in his chest. This  
13 relief has not been available to Mr. Richmond while in county lockup at the Lerdo Pretrial  
14 Facility.

15 Probation has already interviewed Mr. Richmond in preparation for its Presentence  
16 Investigation Report. He has no other court hearings aside from the imposition of sentence  
17 currently set for September 19, 2022. Given the tremendous upside that his ability to continue in  
18 rehabilitative programming provides, coupled with the close proximity of his housing in state  
19 prison to his current housing in Lerdo Pretrial Facility (approximately 40 minutes away), Mr.  
20 Richmond requests that he released from the pending Writ and returned to state custody pending  
21 his sentencing hearing.

22 The undersigned has communicated this request to the assigned Assistant United States  
23 Attorney. The United States does not oppose the request, provided that Mr. Richmond expressly  
24 waive any claim or right he may have under the Interstate Agreement on Detainers Act (IADA),  
25 18 U.S.C., Appendix 2, §1, *et seq.* In doing so, the United States does not acknowledge or  
26 otherwise concede the applicability of the IADA to this case, including Mr. Richmond's request  
27 to be returned to the state custody prior to his judgement and sentencing hearing.

1           Attached hereto is a fully executed waiver by Mr. Richmond with respect to any claims  
2 or rights he may have under the IADA.

3           The parties anticipate filing a separate writ pertaining only to the sentencing hearing to  
4 secure his presence at sentencing.

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6           Respectfully submitted,

7           HEATHER E. WILLIAMS  
8           Federal Defender

9 Date: February 27, 2022

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11           /s/ *Meghan D. McLoughlin*  
12           MEGHAN D. McLOUGHLIN  
13           Assistant Federal Defender  
14           Attorneys for Defendant  
15           DARYOL RICHMOND

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Case No. 1:21-cr-00184-DAD-BAM  
vs. )  
Plaintiff, )  
DARYOL RICHMOND, ) **RELEASE ORDER**  
Defendant. )  
\_\_\_\_\_)

IT IS HEREBY ORDERED, having reviewed and considered the Defendant's unopposed request, that defendant DARYOL RICHMOND shall be released from federal custody and returned forthwith to state custody at Kern Valley State Prison in Delano, California.

IT IS SO ORDERED.

Dated: **February 28, 2022**

Dale A. Droyd  
UNITED STATES DISTRICT JUDGE